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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,621	11/30/2001	Masato Takahashi	3404/OK075	4928

7590

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EXAMINER

HYLTON, ROBIN ANNETTE

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,621

Applicant(s)

TAKAHASHI ET AL.

Examiner

Robin Hylton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) /
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) /
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the notch of the sealing element must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title should include at least one technical, or inventive, feature of the claimed instant invention.

Claim Rejections - 35 USC § 112

3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the claims are rejected for the following reasons:

As a result of using "fitting means", claims 1,3,4,9, and 11 fail to meet the 3-prong analysis of a "means plus function" claim set forth in the "Supplemental Examination Guidelines" effective June 21, 2000 and published in the Official Gazette on July 25, 2000. If applicant desires to invoke 35 USC 112, 6th paragraph, applicant must either modify the claims to include the phrase "means for" or show that even though the phrase "means for" is not used, the claim limitation is written as a function to be performed and does not recite sufficient structure, material, or acts which would preclude application of 35 USC 112, 6th paragraph.

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Dependent claims not specifically mentioned are rejected as depending from rejected base claims since they inherently contain the same deficiencies therein.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Meyer et al. (US 5,112,065).

Seal 1 has a flexible protruding portion 19 and a projecting portion 23 (see fig. 2).

6. Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Bonora et al. (US 5,611,452).

See figures 3 and 10.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer in view of Poltorak (US 3,334,774).

Meyer teaches the claimed sealing element except for the rounded projection at the end of the end of the protruding part.

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Poltorak teaches it is known to provide a rounded projection at the end of a sealing element protruding part.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to change the shape of the projection at the end of the end of the protruding part. of Meyer to a rounded projection as taught by Poltorak, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 2 above, and further in view of Ryan (US 5,009,036).

Meyer as modified teaches the claimed sealing element except for the protruding part curved inwardly.

Ryan teaches it is known to inwardly curve a protruding part of a sealing element.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of an inward curve to the protruding part. Doing so provides a better seal between the container and the door since there is less resistance to bending of the protruding part upon application of the door to the container.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer in view of Poltorak and Semon (US 4,758,004).

Meyer teaches the claimed sealing element except for the plurality of fitting ribs and the closest fitting rib to the entrance side of the fit-holding portion being higher than the other fitting ribs.

Poltorak teaches it is known to provide a plurality of fitting ribs on the fitting means.

Semon also teaches a plurality of fitting ribs, one rib being higher than others.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of a plurality of fitting ribs on the fitting means of Meyer and make one fitting rib higher than the others. Doing so provides a better sealing arrangement for a container and lid.

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 4 above, and further in view of Ryan.

Meyer as modified teaches the claimed sealing element except for the protruding part curved inwardly.

Ryan teaches it is known to inwardly curve a protruding part of a sealing element.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of an inward curve to the protruding part. Doing so provides a better seal between the container and the door since there is less resistance to bending of the protruding part upon application of the door to the container.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer in view of Poltorak and Semon.

Meyer teaches the claimed sealing element except for the plurality of fitting ribs and the closest fitting rib to the entrance side of the fit-holding portion being higher than the other fitting ribs.

Poltorak teaches it is known to provide a plurality of fitting ribs on the fitting means.

Semon also teaches a plurality of fitting ribs, one rib being higher than others.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of a plurality of fitting ribs on the fitting means of Meyer and make one fitting rib higher than the others. Doing so provides a better sealing arrangement for a container and lid.

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13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 3 above, and further in view of Ryan (US 5,009,036).

Meyer as modified teaches the claimed sealing element except for the protruding part curved inwardly.

Ryan teaches it is known to inwardly curve a protruding part of a sealing element.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of an inward curve to the protruding part. Doing so provides a better seal between the container and the door since there is less resistance to bending of the protruding part upon application of the door to the container.

14. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer in view of Ryan.

Meyer teaches the claimed sealing element except for the protruding part curved inwardly.

Ryan teaches it is known to inwardly curve a protruding part of a sealing element.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of an inward curve to the protruding part. Doing so provides a better seal between the container and the door since there is less resistance to bending of the protruding part upon application of the door to the container.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Various seals and containers having seals are cited for their disclosures.

16. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (703) 305-3579. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which

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require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.

17. It is called to applicant's attention that if a communication is faxed before the reply time has expired, applicant may submit the reply with a "Certificate of Facsimile" which merely asserts that the reply is being faxed on a given date. So faxed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence for Application Serial No. _____ is being facsimiled to The U.S. Patent and Trademark Office via fax number (703) 305-3579 on the date shown below:

Typed or printed name of person signing this certificate

Signature_____

Date_____


18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (703) 308-1208. The examiner works a flexible schedule, but can normally be reached on Monday - Friday from 9:00 a.m. to 4:00 p.m. (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young, can be reached on (703) 308-2572.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Errica Bemby at (703) 306-4005.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

RAH
March 8, 2003


Robin A. Hylton
Patent Examiner
GAU 3727